



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:** Wells et al.

**Serial No.:** 09/691,237

**Filed:** October 19, 2000

**For:** SUSTAINED-RELEASE  
FORMULATIONS FOR TREATING CNS-  
MEDIATED DISORDERS

**Confirmation No.:** 5026

**Examiner:** L. S. Channavajjala

**Group Art Unit:** 1615

**Attorney Docket No.:** 1959-7464.1US

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**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

Mail Stop Issue Fee  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

This communication is filed in response to the Notice of Allowance mailed December 27, 2006 and sets forth Applicant's comments, pursuant to 37 C.F.R. §1.104(e), on the Examiner's Statement of Allowable Subject Matter accompanying the Notice of Allowance.

In the Notice of Allowance, the Examiner indicates:

[I]nstant claims are allowable because the prior art of record does not teach or fairly suggest the claimed oral sustained release composition of isovaleric acid and its derivatives. Applicants have shown that the claimed composition comprising a core containing the active agent and a gelling agent, which is further coated with the specific polymer film made of a mixture of ethylcellulose and hydroxypropylmethylecellulose produces drug dissolution for a longer period of time.

Applicant concurs with the reasons as stated by the Examiner insofar as they comprise a summary, which is exemplary and not limiting. However, the scope of the claims is based on the actual language of the claims and equivalents thereof, and not on a paraphrase or summary of the claim language.

The Independent claims as allowed recite features and methodology in addition to, and in different language than, those described in the Statement of Allowable Subject Matter. Furthermore, the dependent claims recite elements in addition to those of the independent claims, which are also not reflected in the Statement of Allowable Subject Matter. Such additional elements, in combination with those of the independent claims from which each claim depends, provide additional reasons for patentability. Accordingly, the scope of the claims must be determined from the literal language of each as a whole, as well as all equivalents thereof.

Therefore, to the extent that the Examiner's reasons for allowance as stated are not relevant to, or wholly encompassing of, a particular claim, independent or dependent, Applicant assumes that (pursuant to 37 C.F.R. §1.104(e)) the Examiner has determined that the record of the prosecution as a whole of the application makes clear the reasons for allowing those claims. Further, it appears, pursuant to M.P.E.P. 1302.14, that the Examiner's Statements of Allowable Subject Matter are not intended to encompass all of the reasons for allowance.

Respectfully submitted,



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